

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

&

THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(Crl.).No. 186 of 2007(S)

PETITIONER:

MISS M.SALEENA MOIDU.B.Sc. L.L.B.
AGED 35 YEARS, ADVOCATE, ENROLMENT NO.K.516/91
18,8,91 (V.B. COLLEGE OF LAW, UDUPI)
D/O.LATE M.T.MOIDU, SUBAIDA MANZIL, C.C.14/2175,
NEAR CHAKKANAT TEMPLE, KARUVELIPADY, KOCHI-5, PIN-682 005.

BY ADV. MISS.M.SALEENA MOIDU (PARTY-IN-PERSON)

RESPONDENTS:

1. THE COMMISSIONER OF POLICE, ERNAULAM.
2. THE ASSISTANT COMMISSIONER OF POLICE, MATTANCHERRY, KOCHI.
3. M.M.ABDUL NAJEEB, AGED 34 YEARS, C/O.MUMTHAZ RASHEED,
KARUVELIPPADY, NEAR CHAKKANAT TEMPLE, KOCHI-5. PIN 682 005.
4. MUMTHAZ, AGED 34 YEARS, W/O.K.S.A. RASHEED, D/O.IBRAHIMKUTTY,
(SUSPENDED KSRTC BUS CONDUCTORS), KARUVELIPPADY, NEAR
CHAKKANAT TEMPLE, (NEAR PENTACOST CHURCH), KOCHI-5, 682 005.
5. SAFIYA, AGED 55, W/O.K.S.ABDUL LATHEEF, DAUGHYTER-IN-LAW OF
LATE K.H.SULAIMAN, D/O.LATE P.M.HANEEF, KARUVELIKPPADY,
NEAR CHURCH, KOCHI-682 005.
6. MANU, (EX.PERSONNEL ASSISTANT OF EX.MINISTER U.A.BEERAN),
C/O.MANOJ KUMAR, ATHIYEKKAL (H), CHEMMAD P.O., TIRURANGADI,
MALAPPURAM DISTRICT - 676 304.
7. MANOJ KUMAR, AGED 46 YEARS, (FAMILY STORE REPRESENTATIVE),
ATHIYEKKAL (H), CHEMMAD P.O., TIRURANGADI, MALAPPURAM
DISTRICT-676 304.

8. KALLIYIL MANAMYAMTHODI ABU,
AGED 65 YEARS, S/O.LATE MANNUNNY, AND M.T.THITHIUMMA,
V.P.NO.9/426, MANAYAMTHODI (H), MARKET ROAD, VENGARA P.O.,
MALAPPURAM DISTRICT-676 304.
9. KAITHKKODAN MOOSAKUTTY, AGED 60 YEARS, S/O.KUTTY HASSAN,
MARKET ROAD, VENGARA P.O., MALAPPURAM DISTRICT-676 304.
10. HAJERA, AGED 55 YEARS, W/O.IBRAHIMKUTTY, (SUSPENDED KSRTC BUS
CONDUCTORS) C/O.MUMTHAZ RASHEED, KARUVELIPPADY,
NEAR CHAKKANAT TEMPLE, (NEAR PENTACOST CHURCH),
KOCHI-5, 682 005.
11. IBRAHIMKUTTY, AGED 60 YEARS, (SUSPENDED KSRTC BUS CONDUCTOR)
C/O. MUMTHAZ RASHEED, KARUVELIPPADI, KOCHI-5.
12. SHAMEER, AGED 32 YEARS, S/O.IBRAHIMKUTTY, (SUSPENDED KSRTC BUS
CONDUCTOR), C/O.MUMTHAZ RASHED, KARUVELIPPADY, NEAR
CHAKKANAT TEMPLE (NEAR PENTACOST CHURCH), KOCHI -5.
13. SHERINA SAMAD, AGED 33YEARS, W/O.SAMAD, D/O.IBRAHIMKUTTY,
C/O.MUMTHAZ RASHED, KARUVELIPPADY, NEAR CHAKKANAT TEMPLE
(NEAR PENTACOST CHURCH), KOCHI -5.
14. SUNDARI, AGED 43 YEARS,
D/O.MANIKUTTY, S/O.H.NO.X/570A, MANAMYAMTHODI MODU HOUSE,
PATTARAKKA, PADIKKUNNU, NILAMBUR, MALAPPURAM DISTRICT-679329.

R1 & R2 BY GOVT. PLEADER SRI. C.M.KAMMAPPU

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.R.RAMAN & K.HEMA,JJ.

W.P.(Crl.).NO.186 OF 2007

Dated this the 7th day of August, 2007

JUDGMENT

Raman, J.

Pursuant to the order dated 3.8.2007 and conveyed to her by the police authorities, Subaida Moidu appeared before us. We interacted with her for quite some time in our chambers. We find that she is not under illegal custody of anybody. She submitted that after the death of petitioner's father, she got re-married 30 years back and she is now residing with her husband at Nilamboor. She also submitted that the petitioner is her daughter. Besides the petitioner, a son and another daughter, who is physically handicapped, were born in the first marriage. All of them were residing together along with her present husband. But now she is residing with her husband at Nilamboor on her own free will and volition, as she is duty bound to serve her husband at his old age. Though she used to make visits to Kochi, where the petitioner resides, she cannot reside at Kochi permanently leaving her husband alone at Nilamboor. We also interacted with her son and also the petitioner. We find that petitioner's mother is not under illegal custody of anybody as alleged by the petitioner. However, the petitioner's mother submitted that today she is going along with

the petitioner and her son for a short stay with them at Kochi and then to Nilamboor afterwards.

In the circumstances, we close this Writ Petition setting the petitioner's mother free.

P.R.RAMAN, JUDGE

K.HEMA, JUDGE

vgs.